



# Plattsburgh, New York

Building & Zoning Dept.  
41 City Hall Place  
Plattsburgh, New York 12901  
Ph: 518-563-7707  
Fax: 518-563-6426

\_\_\_\_\_  
USE  
CLASS A VARIANCE

\_\_\_\_\_  
AREA  
CLASS B VARIANCE

✓  
\_\_\_\_\_  
SUP  
SPECIAL USE PERMIT

Date: 8-10-12

Appeal No.: 1939

An application is hereby made to the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for a variance to allow the property use as herein described.

Applicant: WILLIAM FERRIS

Applicant's Address: 20 FORT BROWN DR  
PLATTSBURGH, N.Y. 12903

Telephone No.: 518-569-4600

Parcel Identification: 207.82-1-20.2

Location of Request: DURKEE ST 17

Property Owner: Shawn Cliche

Request Description: Service Autos - special use permit

Zoning District: C

Section Appealed: \_\_\_\_\_

Previous Appeal: No.: 1437 Date: 12/18/00

Identify Applicant's Right to Apply for Variance:

Ownership: \_\_\_\_\_ Long Term Lease: \_\_\_\_\_ Contract To Purchase: X

Other (Please Explain): \_\_\_\_\_

Applications for Zoning Variances must be accompanied by:

13 copies of existing and proposed site plan

13 copies of existing and proposed floor plan

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

William Ferris  
Signature (Owner/Applicant)  
William Ferris  
Print First and Last Name

Debra Jarvis  
Notary Public  
DEBRA JARVIS  
Notary Public, State of New York  
No. 01JA6188499  
Qualified in Clinton County  
Commission Expires June 9, 2016



## CLINTON COUNTY PLANNING DEPARTMENT

135 Margaret Street, Suite 124 • Plattsburgh, New York 12901-2980  
Planning (518) 565-4711 • C.A.R.T. (518) 565-4713 • Facsimile (518) 565-4885

### CLINTON COUNTY PLANNING BOARD DECISION ON 239M REFERRAL

TO: City of Plattsburgh

REFERRAL NUMBER: 83-12

SUBJECT: William Ferris, Special Permit to operate automobile service, 17 Durkee Street.

The following action was taken by the Clinton County Planning Board regarding this zoning referral, in compliance with New York State General Municipal Law, Article 12B, Section 239M. This decision is not binding upon the local municipality, but may impact the local board's voting requirements to act contrary to the County decision. A County Decision of Disapproval or Approval With Modifications may only be overturned by the local municipal board by a majority plus one vote of the full membership of the board (4 votes for 5 member board, 5 votes for 7 member board).

DATE OF COUNTY ACTION:

9/5/12

ACTION TAKEN ON REFERRAL:

☐ APPROVAL

☐ APPROVAL WITH MODIFICATION

☐ DISAPPROVAL

☒ LOCAL ISSUE

☐ SEE ENCLOSED COMMENTS REGARDING THIS REFERRAL

VOTE RECORDED:

8 YES

0 NO

0 ABSENT

1 ABSTAINED

9/6/12  
DATE

CLINTON COUNTY PLANNING DEPARTMENT

PLEASE RETURN A COPY OF THE FINAL DECISION BY YOUR BOARD TO THE CLINTON COUNTY PLANNING DEPARTMENT WITHIN 30 DAYS OF DECISION.

**PART 1—PROJECT INFORMATION**  
Prepared by \_\_\_\_\_

Prepared by Project Sponsor

**NOTICE:** This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

**PROJECT INFORMATION**

**Prepared by Project Sponsor**

**NAME OF ACTION**

**LOCATION OF ACTION (Include Street Address, etc.)**

NAME OF ACTION			
LOCATION OF ACTION (Include Street Address, Municipality and County) 17 Durkee St.			
NAME OF APPLICANT/SPONSOR William Ferris			
ADDRESS 20 Fort Brown Dr		BUSINESS TELEPHONE (518) 561-8230	
CITY/PO Plattsburgh			
NAME OF OWNER (if different)			
ADDRESS		STATE N.Y.	ZIP CODE 12903
CITY/PO		BUSINESS TELEPHONE ( )	
DESCRIPTION OF ACTION			
		STATE	ZIP CODE

Please Complete Each Question—Indicate N.A. if not applicable

**A. Site Description**

Physical setting of overall project, both developed and undeveloped

Present land use: ☐ Agriculture ☐ Residential ☐ Industrial ☐ Forest ☐ Other

**Please Complete Each Question—Indicate N.A. if not applicable**

**A. Site Description**

Physical setting of overall

### A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use:

☐ Urban ☐ Industrial ☒ Commercial

☐ Forest ☐ Agricultural ☐ Other

1. Present land use: ☐ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)  
☐ Forest ☐ Agriculture ☐ Other \_\_\_\_\_
2. Total acreage of project area: 97' x 128' acres.
- APPROXIMATE ACREAGE
- Meadow or Brushland (Non-forest) \_\_\_\_\_
- Forest \_\_\_\_\_

APPROXIMATE ACREAGE

Forested

Wetland (Freshwater or tidal as per Articles 2.1.1 and 2.1.2)

Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)  
Water Surface Area  
Unvegetated (Rock, earth, etc.)

Unvegetated (Rock, earth or fill)  
Roads, buildings, and

Roads, buildings and other paved surfaces

Other (Indicate type) \_\_\_\_\_

What is predominant soil type(s) on project site? NO

a. Soil drainage: ☐ Well drained

a. Soil drainage: NA ☐ Well drained \_\_\_\_\_ % of site  
☐ Poorly drained \_\_\_\_\_ % of site

b. If any agricultural land is involved, how much? \_\_\_\_\_ % of site

Land Classification \_\_\_\_\_

☐ Poorly drained \_\_\_\_\_ % of site ☐ Mo  
 b. If any agricultural land is involved, how many acres of soil are cl  
 Land Classification System? NA acres. (See 1 NYCRR 370).  
 Are there bedrock outcroppings on project site? ☐ Yes ☒ No  
 What is depth to bedrock? \_\_\_\_\_

How many acres of soil are classified within soil group 1 through 4 of the NYS  
Classification System? NA acres. (See 1 NYCRR 370).  
Are there bedrock outcroppings on project site? ☐ Yes ☒ No  
What is depth to bedrock? NA

What is depth to bedrock? NA (in feet) ☐ Yes

5. Approximate percentage of proposed project site with slopes: ☒ 0-10% 100 % ☐ 10-15% \_\_\_\_\_ %  
☐ 15% or greater \_\_\_\_\_ %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? ☐ Yes ☒ No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No
8. What is the depth of the water table? N/A (in feet)
9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  
☐ Yes ☒ No According to \_\_\_\_\_  
 Identify each species \_\_\_\_\_
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)  
☐ Yes ☒ No Describe \_\_\_\_\_
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?  
☐ Yes ☒ No If yes, explain \_\_\_\_\_
14. Does the present site include scenic views known to be important to the community?  
☐ Yes ☒ No
15. Streams within or contiguous to project area: N/A  
 a. Name of Stream and name of River to which it is tributary \_\_\_\_\_
16. Lakes, ponds, wetland areas within or contiguous to project area: NA  
 a. Name \_\_\_\_\_ b. Size (In acres) \_\_\_\_\_
17. Is the site served by existing public utilities? ☒ Yes ☐ No  
 a) If Yes, does sufficient capacity exist to allow connection? ☒ Yes ☐ No  
 b) If Yes, will improvements be necessary to allow connection? ☒ Yes ☐ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

## B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor NA acres.
- b. Project acreage to be developed: NA acres initially; NA acres ultimately.
- c. Project acreage to remain undeveloped NA acres.
- d. Length of project, in miles: NA (If appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed NA %;
- f. Number of off-street parking spaces existing 20; proposed 20.
- g. Maximum vehicular trips generated per hour NA (upon completion of project)?
- h. If residential: Number and type of housing units: NA
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | _____      | _____      | _____           | _____       |
| Ultimately | _____      | _____      | _____           | _____       |
- i. Dimensions (in feet) of largest proposed structure \_\_\_\_\_ height; \_\_\_\_\_ width; \_\_\_\_\_ length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? \_\_\_\_\_ ft.

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? 0 tons/cubic yards
3. Will disturbed areas be reclaimed? ☐ Yes ☐ No ☒ N/A
- a. If yes, for what intended purpose is the site being reclaimed? \_\_\_\_\_
- b. Will topsoil be stockpiled for reclamation? ☐ Yes ☐ No
- c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ☐ No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? NA acres:
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? ☐ Yes ☒ No
6. If single phase project: Anticipated period of construction 2 months, (including demolition).
7. If multi-phased:
- a. Total number of phases anticipated \_\_\_\_\_ (number).
- b. Anticipated date of commencement phase 1 \_\_\_\_\_ month \_\_\_\_\_ year, (including demolition).
- c. Approximate completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year.
- d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☐ No
8. Will blasting occur during construction? ☐ Yes ☒ No
9. Number of jobs generated: during construction 8; after project is complete 1
10. Number of jobs eliminated by this project 8
11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No If yes, explain \_\_\_\_\_
12. Is surface liquid waste disposal involved? ☐ Yes ☒ No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount \_\_\_\_\_
- b. Name of water body into which effluent will be discharged \_\_\_\_\_
13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type \_\_\_\_\_
14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No
- Explain \_\_\_\_\_
15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No
16. Will the project generate solid waste? ☐ Yes ☒ No
- a. If yes, what is the amount per month \_\_\_\_\_ tons
- b. If yes, will an existing solid waste facility be used? ☐ Yes ☐ No
- c. If yes, give name \_\_\_\_\_; location \_\_\_\_\_
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☒ No
- e. If Yes, explain \_\_\_\_\_
17. Will the project involve the disposal of solid waste? ☒ Yes ☐ No
- a. If yes, what is the anticipated rate of disposal? 1 dumpster tons/month.
- b. If yes, what is the anticipated site life? 0 years.
18. Will project use herbicides or pesticides? ☐ Yes ☒ No
19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No
20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No
21. Will project result in an increase in energy use? ☒ Yes ☐ No
- If yes, indicate type(s) Building is vacant - no energy being used now
22. If water supply is from wells, indicate pumping capacity NA gallons/minute.
23. Total anticipated water usage per day 50-100 gallons/day.
24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No
- If Yes, explain \_\_\_\_\_

## 25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input type="checkbox"/> No		
City, Town, Village Planning Board	<input type="checkbox"/> Yes <input type="checkbox"/> No		
City, Town Zoning Board	<input type="checkbox"/> Yes <input type="checkbox"/> No		
City, County Health Department	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Other Local Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Other Regional Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		
State Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Federal Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		

## C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒Yes ☐No  
If Yes, indicate decision required:  
☐zoning amendment ☐zoning variance ☒special use permit ☐subdivision ☐site plan  
☐new/revision of master plan ☐resource management plan ☐other \_\_\_\_\_
2. What is the zoning classification(s) of the site? \_\_\_\_\_
3. What is the maximum potential development of the site if developed as permitted by the present zoning? \_\_\_\_\_
4. What is the proposed zoning of the site? \_\_\_\_\_
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? \_\_\_\_\_
6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☒Yes ☐No
7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?  
Commercial
8. Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile? ☒Yes ☐No
9. If the proposed action is the subdivision of land, how many lots are proposed? NA  
a. What is the minimum lot size proposed? NA
10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐Yes ☒No
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? ☒Yes ☐No  
a. If yes, is existing capacity sufficient to handle projected demand? ☒Yes ☐No
12. Will the proposed action result in the generation of traffic significantly above present levels? ☐Yes ☒No  
a. If yes, is the existing road network adequate to handle the additional traffic? ☐Yes ☐No

## D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

## E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name William Ferris Date 8-10-12  
Signature William Ferris Title Owner

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.





# Plattsburgh, New York

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41 City Hall Place  
Plattsburgh, New York 12901  
Ph: 518-563-7707  
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\_\_\_\_\_  
USE  
CLASS A VARIANCE

\_\_\_\_\_  
AREA  
CLASS B VARIANCE

\_\_\_\_\_  
SUP  
SPECIAL USE PERMIT

Date: Aug 26<sup>th</sup> 2012

Appeal No.: \_\_\_\_\_

An application is hereby made to the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for a variance to allow the property use as herein described.

Applicant: SCOTT TETREULT

Applicant's Address: 8 UNIVERSITY PL Plattsburgh NY 12901

Telephone No.: 518-569-8277

Parcel Identification: 207.16-2-1

Location of Request: 86 MILLER ST.

Property Owner: SCOTT TETREULT

Request Description: CHANGE THE USE FROM GUNDRY MGT TO REDEMPTION CENTER

Zoning District: \_\_\_\_\_

Section Appealed: \_\_\_\_\_

Previous Appeal: No.: \_\_\_\_\_ Date: \_\_\_\_\_

Identify Applicant's Right to Apply for Variance:

Ownership: ☒ Long Term Lease: \_\_\_\_\_ Contract To Purchase: \_\_\_\_\_

Other (Please Explain): \_\_\_\_\_

Applications for Zoning Variances must be accompanied by:

13 copies of existing and proposed site plan

13 copies of existing and proposed floor plan

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

\_\_\_\_\_  
Signature (Owner/Applicant)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print First and Last Name



## PART 1—PROJECT INFORMATION

### Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION <u>Bottle Redemption business</u>			
LOCATION OF ACTION (Include Street Address, Municipality and County) <u>86 Miller Street Pottsville Ny 12901</u>			
NAME OF APPLICANT/SPONSOR <u>SCOTT TETRAULT</u>		BUSINESS TELEPHONE <u>(518) 569-8277</u>	
ADDRESS <u>8 University Pl.</u>			
CITY/PO <u>Pottsville</u>		STATE <u>NY</u>	ZIP CODE <u>12901</u>
NAME OF OWNER (if different)		BUSINESS TELEPHONE ( )	
ADDRESS			
CITY/PO		STATE	ZIP CODE
DESCRIPTION OF ACTION <u>CLOSE Existing Landromat And Reopen As A bottle Redemption</u>			

Please Complete Each Question—Indicate N.A. if not applicable

### A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: ☐ Urban ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)  
☐ Forest ☐ Agriculture ☐ Other \_\_\_\_\_

2. Total acreage of project area: 120 acres.

#### APPROXIMATE ACREAGE

Meadow or Brushland (Non-agricultural)

Forested

Agricultural (Includes orchards, cropland, pasture, etc.)

Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)

Water Surface Area

Unvegetated (Rock, earth or fill)

Roads, buildings and other paved surfaces

Other (Indicate type) \_\_\_\_\_

	PRESENTLY	AFTER COMPLETION
	<u>N/A</u> acres	_____ acres
	_____ acres	_____ acres
	_____ acres	_____ acres
	_____ acres	_____ acres
	_____ acres	_____ acres
	_____ acres	_____ acres
	_____ acres	_____ acres
	<u>✓</u> acres	_____ acres
	_____ acres	_____ acres

3. What is predominant soil type(s) on project site? \_\_\_\_\_

- a. Soil drainage: ☒ Well drained 100 % of site ☐ Moderately well drained \_\_\_\_\_ % of site  
☐ Poorly drained \_\_\_\_\_ % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres. (See 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☐ No

- a. What is depth to bedrock? N/A (in feet)

5. Approximate percentage of proposed project site with slopes: ☐ 0-10% N/A % ☐ 10-15% \_\_\_\_\_ %  
☐ 15% or greater \_\_\_\_\_ %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? ☐ Yes ☒ No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☐ No
8. What is the depth of the water table? 0/0 (in feet)
9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☐ No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  
☐ Yes ☒ No According to \_\_\_\_\_  
Identify each species \_\_\_\_\_
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)  
☐ Yes ☒ No Describe \_\_\_\_\_
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?  
☐ Yes ☒ No If yes, explain \_\_\_\_\_
14. Does the present site include scenic views known to be important to the community?  
☐ Yes ☒ No
15. Streams within or contiguous to project area: N/A  
a. Name of Stream and name of River to which it is tributary \_\_\_\_\_
16. Lakes, ponds, wetland areas within or contiguous to project area:  
a. Name N/A b. Size (In acres) \_\_\_\_\_
17. Is the site served by existing public utilities? ☒ Yes ☐ No  
a) If Yes, does sufficient capacity exist to allow connection? ☒ Yes ☐ No  
b) If Yes, will improvements be necessary to allow connection? ☐ Yes ☐ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

## B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor 20 acres.
- b. Project acreage to be developed: None acres initially; \_\_\_\_\_ acres ultimately.
- c. Project acreage to remain undeveloped \_\_\_\_\_ acres.
- d. Length of project, in miles: \_\_\_\_\_ (If appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed \_\_\_\_\_ %;
- f. Number of off-street parking spaces existing 9; proposed 9.
- g. Maximum vehicular trips generated per hour \_\_\_\_\_ (upon completion of project)?
- h. If residential: Number and type of housing units:
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | <u>N/A</u> | _____      | _____           | _____       |
| Ultimately | _____      | _____      | _____           | _____       |
- i. Dimensions (in feet) of largest proposed structure N/A height; \_\_\_\_\_ width; \_\_\_\_\_ length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? \_\_\_\_\_ ft.

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? None tons/cubic yards
3. Will disturbed areas be reclaimed? ☐ Yes ☐ No ☒ N/A
- a. If yes, for what intended purpose is the site being reclaimed? \_\_\_\_\_
- b. Will topsoil be stockpiled for reclamation? ☐ Yes ☐ No
- c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ☐ No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? None acres:
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?  
☐ Yes ☒ No
6. If single phase project: Anticipated period of construction 1 month, (including demolition).
7. If multi-phased: Not
- a. Total number of phases anticipated \_\_\_\_\_ (number).
- b. Anticipated date of commencement phase 1 \_\_\_\_\_ month \_\_\_\_\_ year, (including demolition).
- c. Approximate completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year.
- d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☐ No
8. Will blasting occur during construction? ☐ Yes ☒ No
9. Number of jobs generated: during construction 2; after project is complete 2.
10. Number of jobs eliminated by this project -0-.
11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No If yes, explain \_\_\_\_\_
12. Is surface liquid waste disposal involved? ☐ Yes ☒ No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount \_\_\_\_\_
- b. Name of water body into which effluent will be discharged \_\_\_\_\_
13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type \_\_\_\_\_
14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No  
Explain \_\_\_\_\_
15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☐ No
16. Will the project generate solid waste? ☐ Yes ☒ No
- a. If yes, what is the amount per month \_\_\_\_\_ tons
- b. If yes, will an existing solid waste facility be used? ☐ Yes ☐ No
- c. If yes, give name \_\_\_\_\_; location \_\_\_\_\_
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☐ No
- e. If Yes, explain \_\_\_\_\_
17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No
- a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.
- b. If yes, what is the anticipated site life? \_\_\_\_\_ years.
18. Will project use herbicides or pesticides? ☐ Yes ☒ No
19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No
20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No
21. Will project result in an increase in energy use? ☐ Yes ☒ No  
If yes, indicate type(s) \_\_\_\_\_
22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.
23. Total anticipated water usage per day \_\_\_\_\_ gallons/day.
24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No  
If Yes, explain \_\_\_\_\_

## 25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input type="checkbox"/> No		
City, Town, Village Planning Board	<input type="checkbox"/> Yes <input type="checkbox"/> No		
City, Town Zoning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
City, County Health Department	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Other Local Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Other Regional Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		
State Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DEC.	
Federal Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		

## C. Zoning and Planning Information

- Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No  
If Yes, indicate decision required:  
☐ zoning amendment ☐ zoning variance ☒ special use permit ☐ subdivision ☐ site plan  
☐ new/revision of master plan ☐ resource management plan ☐ other \_\_\_\_\_
- What is the zoning classification(s) of the site? R-2
- What is the maximum potential development of the site if developed as permitted by the present zoning?  
\_\_\_\_\_
- What is the proposed zoning of the site? -SAME-
- What is the maximum potential development of the site if developed as permitted by the proposed zoning?  
\_\_\_\_\_
- Is the proposed action consistent with the recommended uses in adopted local land use plans? ☐ Yes ☐ No
- What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?  
Residential R-2
- Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile? ☐ Yes ☐ No
- If the proposed action is the subdivision of land, how many lots are proposed? N/A
  - What is the minimum lot size proposed? - SAME -
- Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No
- Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? ☐ Yes ☒ No
  - If yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☐ No
- Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No
  - If yes, is the existing road network adequate to handle the additional traffic? ☐ Yes ☐ No

## D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

## E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name SCOTT TETRAULT Date 8/16/2012  
Signature Scott Tetrault Title owner

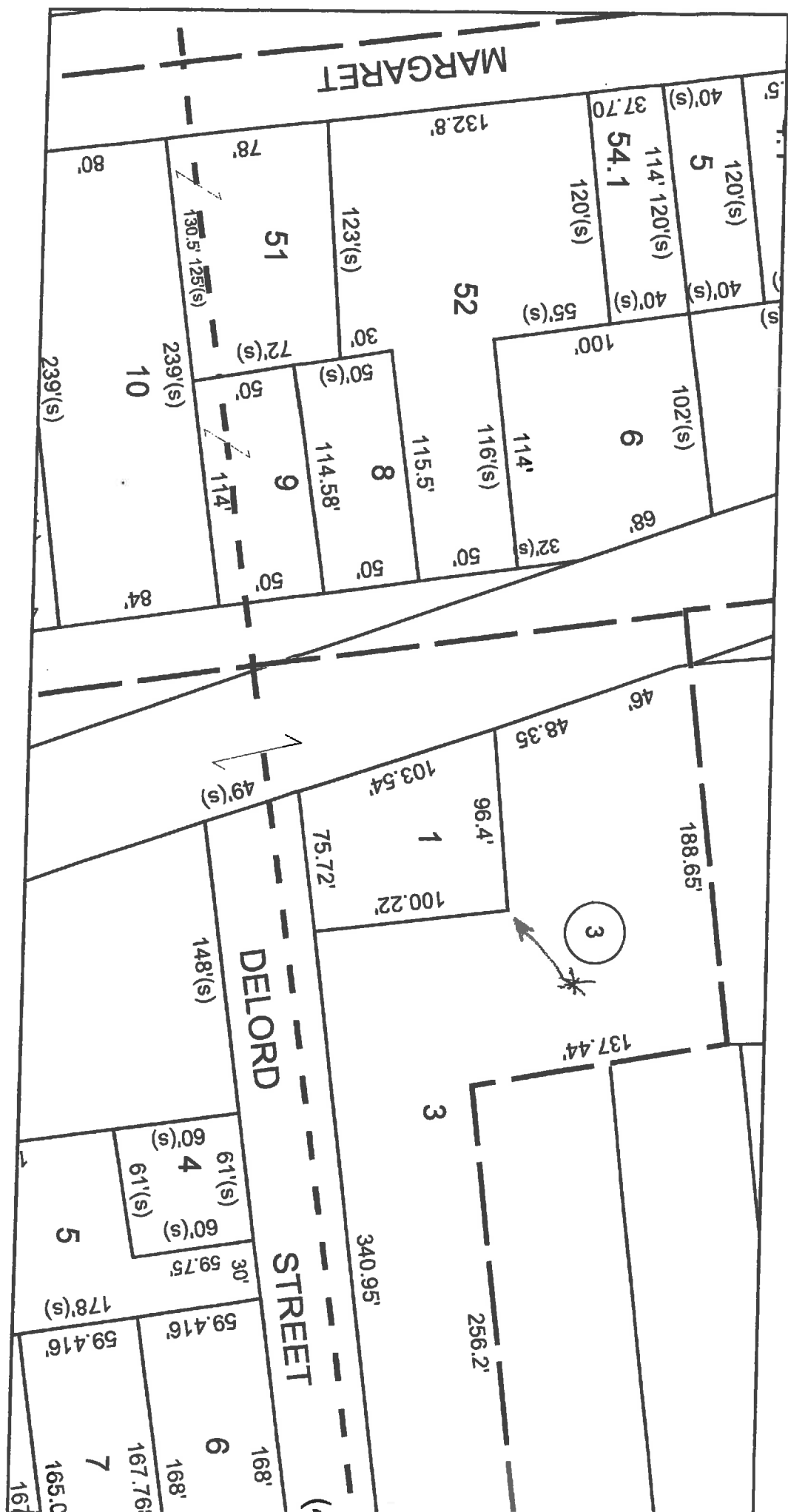
If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

Special Use Permit  
Part D.

I propose closing down Miller Street Laundromat located at 86 Miller St. reopening a bottle redemption business.

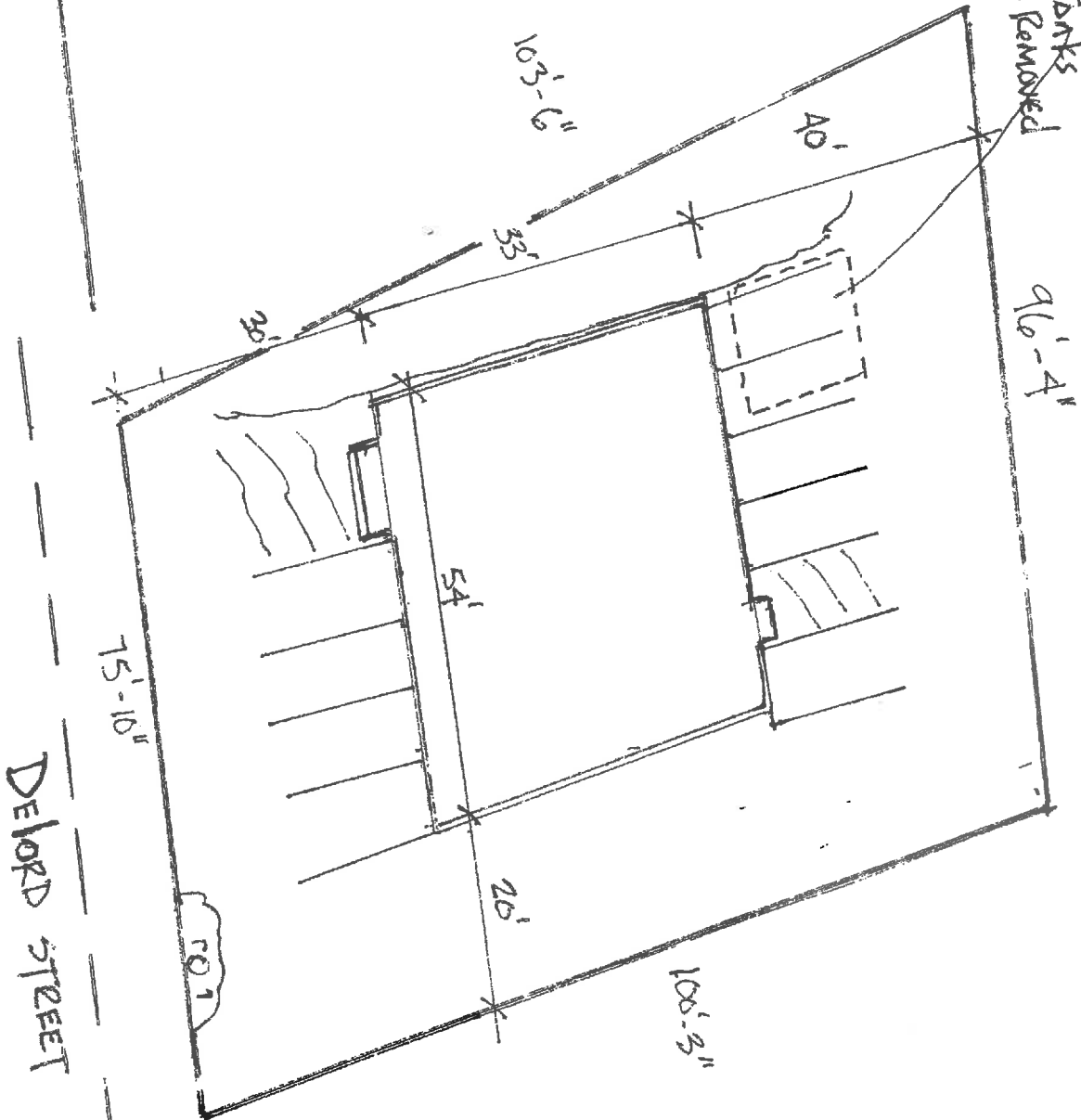
The bottle redemption business would utilize less than 1600 sq ft of the first-floor of the building. The impact of the bottle redemption business on the neighborhood is projected to be less than the existing Laundromat. There will be less customer traffic, with the same amount of service trucks. The redemption business has been simplified with the need for no more than three trucks per week. The lot provides ample parking and an area for the service trucks to access the building without conflicting with customer parking.

The 2 -1000 gallon propane tanks will be removed from the location, along with the propane evaporator.—The bottle redemption business would utilize the existing exterior sign space.



MILNER  
STREET

Location of  
2 wooden  
L.P. Tanks  
to be removed



DELORD STREET

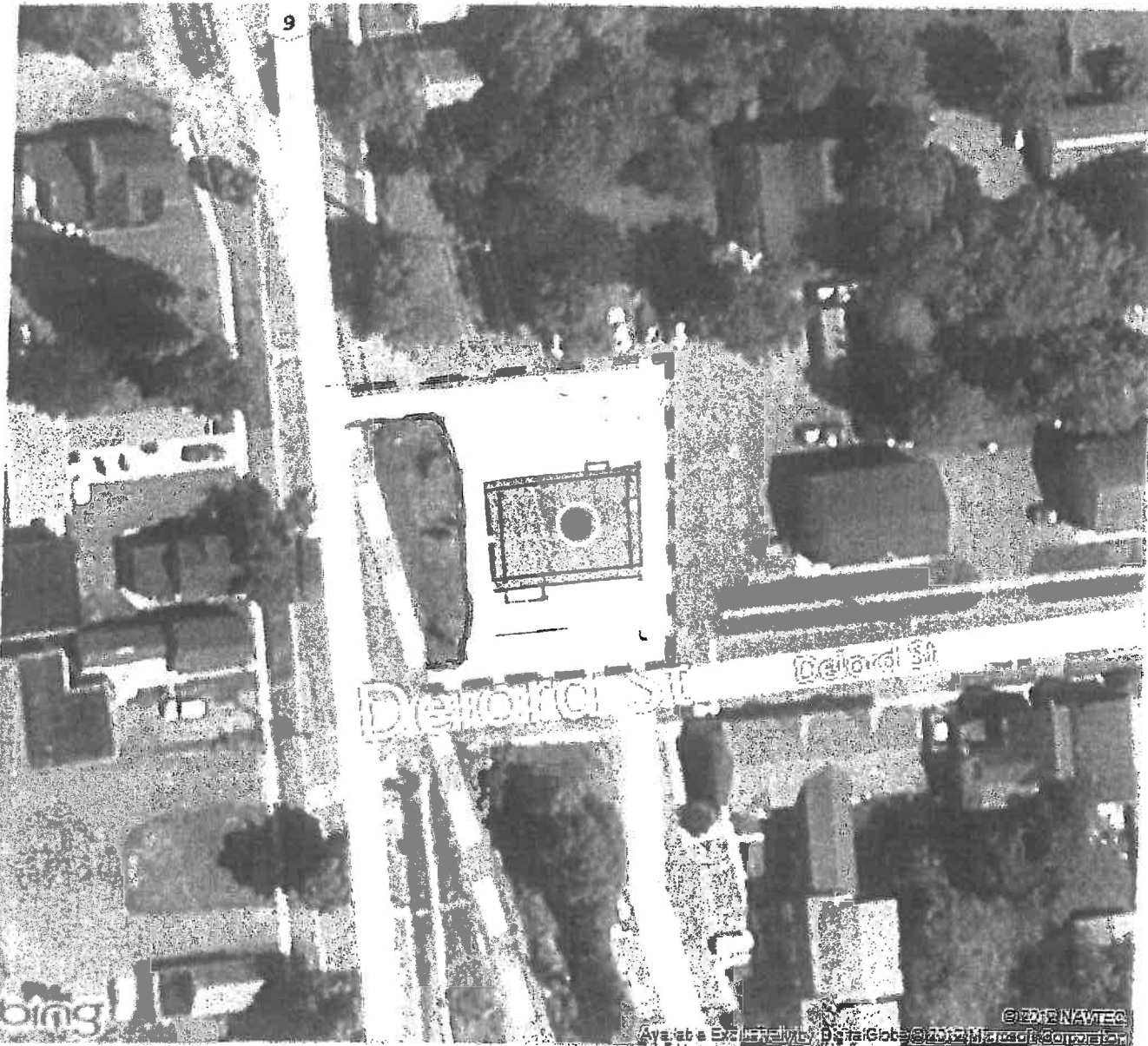
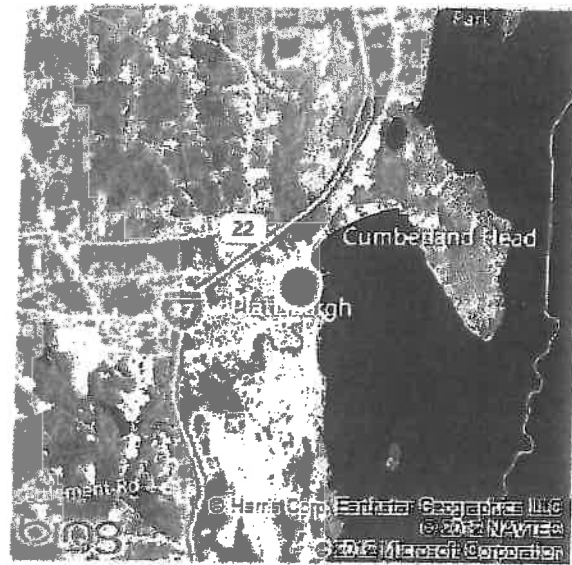
86 MILLER ST  
PLANTHURST  
N.Y.  
N.T.S.

bing Maps

86 Miller St, Plattsburgh, NY 12901

My Notes

On the go? Use [m.bing.com](http://m.bing.com) to find maps, directions, businesses, and more.



Bird's eye view maps can't be printed, so another map view has been substituted.







\_\_\_\_\_  
CLASS A VARIANCE

           AREA  
CLASS B VARIANCE

\_\_\_\_\_SUP  
SPECIAL USE PERMIT

Appeal No.: 1941

community.

*[Signature]*

Notary Public  
KEITH A. HERKALO  
Notary Public, State of New York  
No. 4989702  
Qualified in Clinton County  
Commission Expires 12/16/13

# ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

## STANDARDS OF PROOF - AREA VARIANCE

A. The applicant for an area variance is not entitled to an area variance unless he has furnished competent proof to satisfy the "practical difficulty standard" and that the variance, if granted will not alter the essential character of the neighborhood.

In order to satisfy the practical difficulty standard, the applicant must prove that the Zoning Ordinance as it applies to his land creates significant economic injury and that the variance, if granted, will not produce a substantial change in the character of the neighborhood. The courts of this state hold that "significant economic injury cannot be established except by dollars and cents proof which includes:

1. The original purchase price of the premises.
2. The current market value of the premises without an area variance.
3. The projected market value of the premises with the variance having been granted."

"Projected market value" in item 3 does not include any cost of valuation for the proposed construction. It includes only the current market value without any variance plus the "value of the right to build." The "value of the right to build" may be said to be the "value of the building permit". How much more valuable is the entire property with a building permit allowing the future construction of the proposed work? Projected market value which includes the value of the work to be constructed will be rejected.

Projected market value can be best shown by the in-person testimony of a real estate appraiser who is present at the hearing. Written appraisals may be less satisfactory because the writer is not present to answer any questions.

The difference between the current market value without the variance and the projected market value with the variance is the amount of economic injury. If the Zoning Board of Appeals determines that this economic injury is significant, then the applicant may be entitled to the area variance.

However, if a town official comes forward at the hearing with testimony establishing that it is important in this particular instance to enforce the Zoning Ordinance as it is written, in order to protect the health, safety and welfare, then the application must be denied. It is important to note that such testimony must be by a town official or someone hired by the town to give the testimony. If the Zoning Board of Appeals agrees with the Town Official that it is important in this case to enforce the Zoning Ordinance as written, then the applicant is not entitled to the area variance, unless he presents further testimony that the enforcement of the ordinance as written will deprive him of any reasonable use of his land. If applicant proves that, then he is entitled to the area variance.

B. The second question to be determined by the Zoning Board of Appeals is whether the the propose will alte the essential character of the neighborhood. Will a substantial detriment to adjoining properties be created? If it will, then the variance may be denied.

### C. Other Grounds for Denial:

1. Whether the variance applied for is the minimum variance that is necessary.
2. Is the variance sought one that is merely desirable for the greater enjoyment of the property, as opposed to one that is necessary for continued practical utilization of the premises? (Bielak v. Zoning Board of Appeals, 78 AD 2d 435).

# ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

-2-

## STANDARDS OF PROOF - AREA VARIANCE

3. Is this hardship self-created? An area variance cannot be denied solely on the ground of self-created hardship, but is a factor to be considered.
4. Is the plight of the owner due to personal problems of the owner as opposed to matters dealing with the land or buildings? While an area variance may not be denied solely on this basis, it is a factor to be considered.

## Area Variances Standards

The state statues define area variances as: "the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by dimensional or physical requirements of the applicable zoning regulations."

General City Law, 81-b(1)

The state statues then go on to provide the zoning board with the standards for granting the area variances;

"(b) In making it's determination, the zoning board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

(2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

(3) whether the requested area variance is substantial;

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and

(5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The board of appeals , in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community."

General City Law, 81-b(4)

## Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determinations the board shall also consider the following criteria:

Please give a written response to each section.

(1) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

No.

(2) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue, other than an area variance?

No.

(3) Is the requested area variance substantial?

No. .

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

No.

(5) Has the alleged difficulty been self-created?

This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

No.

PROJECT I.D. NUMBER

617.20

SEQR

Appendix C

State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <u>Steven Corpea</u>	2. PROJECT NAME <u>Front deck @ 61 Park Avenue</u>
3. PROJECT LOCATION: Municipality <u>Plattsburgh (City)</u> County <u>Clinton</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>61 Park Avenue</u>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Replace 4'x5' concrete stoop with 7'x19' wood deck.</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>less than 1</u> acres    Ultimately <u>less than 1</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly <u>I will be building within the front yard setback.</u>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: <u>R1/R2</u>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If yes, list agency(s) and permit/approvals <u>City of Plattsburgh building permit</u>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Steven Corpea</u> Date: <u>8/21/12</u>	
Signature: <u>[Signature]</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?

☐ Yes ☐ No

If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?

may be superseded by another involved agency.

☐ Yes ☐ No

If No, a negative declaration

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?

☐ Yes ☐ No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☐ No If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

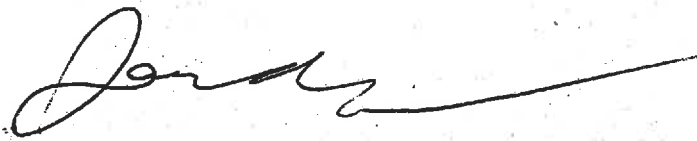
\_\_\_\_\_  
Date



City of Plattsburgh zoning board,

My name is James Welch. I am a resident of Plattsburgh at 63 Park Avenue in Plattsburgh. Recently my neighbor Steve Corger has proposed the addition of a deck on the front of his house. I am writing to let you know that I have no objection to the proposition and welcome any renovations or updates to the neighborhood.

James P. Welch

A handwritten signature in black ink, appearing to read 'James P. Welch', with a long horizontal flourish extending to the right.

Jason W. Grant  
60 Park Avenue  
Plattsburgh, NY 12901  
(518) 572-3575

City Of Plattsburgh Zoning Board  
41 City Hall Place  
Plattsburgh, NY 12901

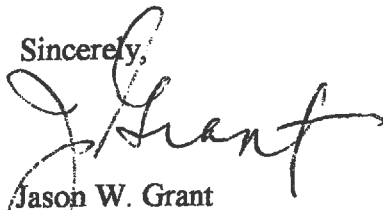
To Whom It May Concern:

I'm writing on behalf of my neighbor, Steve Coryea, with regard to his new porch construction proposal to his existing property located at 61 Park Avenue here in the City of Plattsburgh. As a resident of Park Avenue, my residence is located directly across the street from his property. I have gone over the proposed changes affecting this location with him as well as viewing the current work underway.

Growing up in a small town, I strongly believe the front porch adds a strong sense of community, and think this will be beneficial to those of us residing here. In addition, I have taken the opportunity to view the materials and workmanship in person, and as a builder myself, find both to be top notch. You'll find no objections with me as to the proposed changes and the upgrade. In fact, I look forward to seeing the completed renovations.

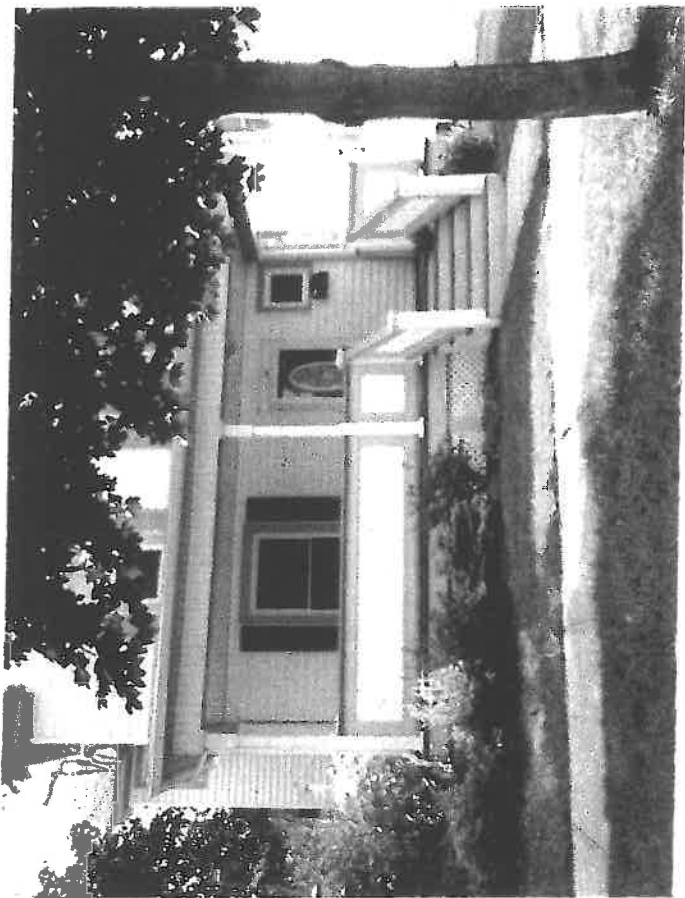
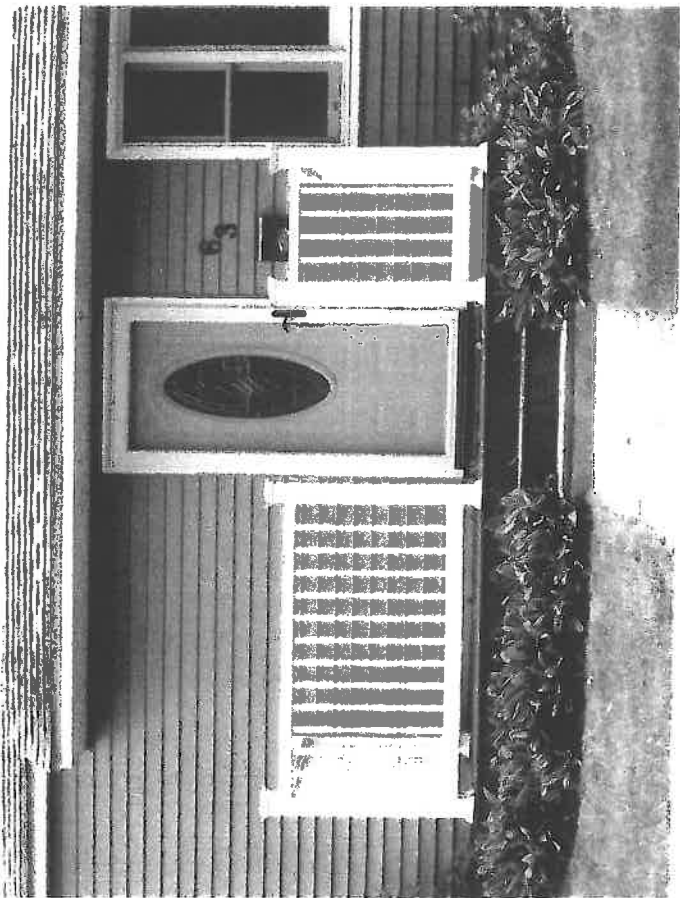
Please feel free to contact me with any questions or concerns.

Sincerely,

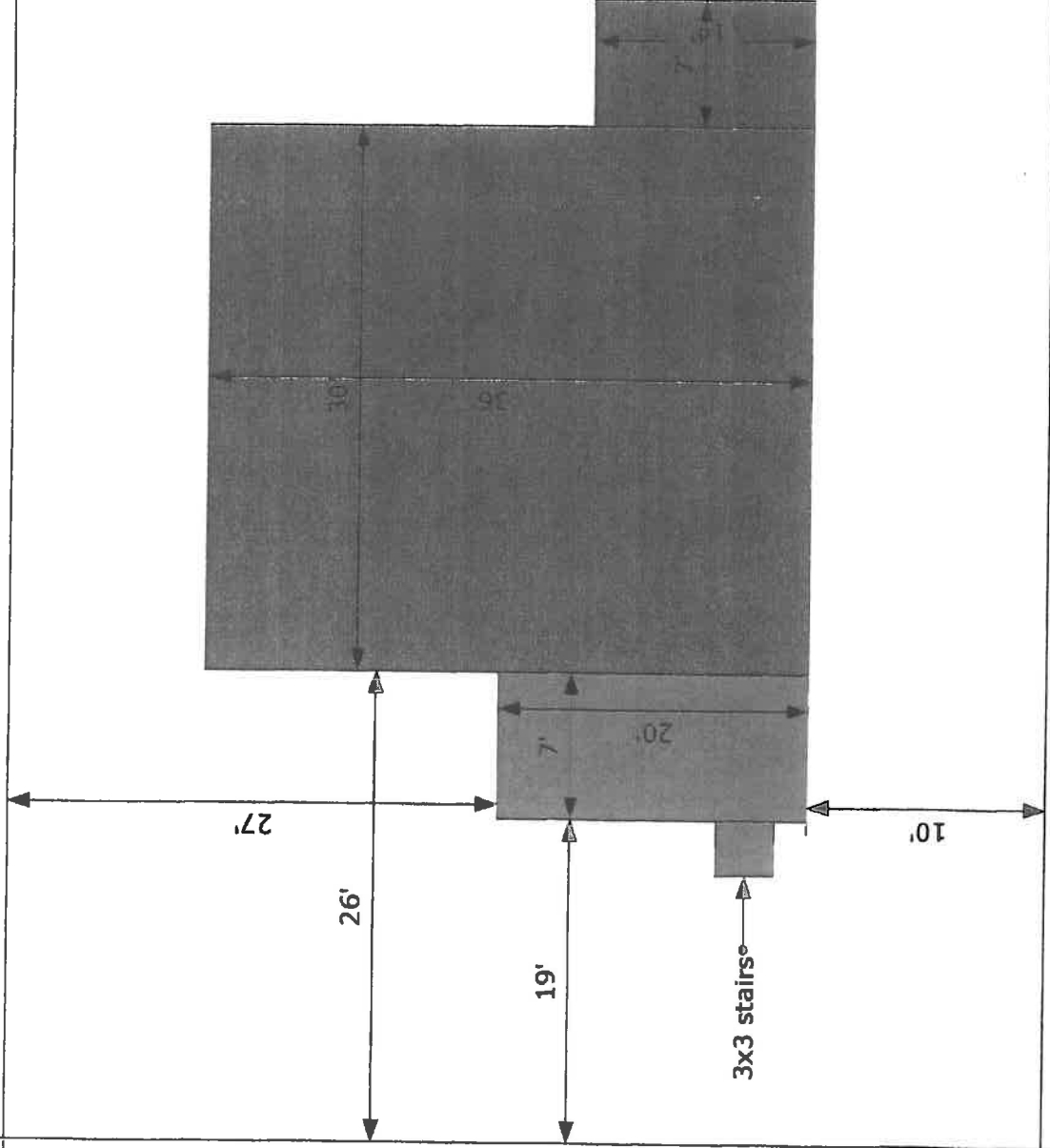
A handwritten signature in black ink, appearing to read "J. Grant", written over the word "Sincerely,".

Jason W. Grant

Cc: Steve Coryea, Nancy St.Denis, Chevkit & Susan Taskin



61 Park Avenue-  
Property of Steven &  
Jamie Coryea



- Existing Home
- New Deck And Stairs

Property of Jason &  
Jenna Breyette

**KATHLEEN A. LIVINGSTON**  
**Notary Public, State of New York**  
 No. 01LI5053462  
 Qualified in Clinton County  
 Commission Expires December 18, 20, 13



# Plattsburgh, New York

Building and Zoning Department  
41 City Hall Place  
Plattsburgh, New York 12901  
Ph: (518) 563-7707  
Fax: (518) 563-6426

## PROCEDURE IN APPEALING THE ZONING ORDINANCE CLASS B VARIANCE

DEADLINE FOR FILING APPLICATION 8/24/12

ZONING BOARD MEETING DATE 9/17/12

The Zoning Board of Appeals has been empowered to hear and decide all appeals to the Zoning Ordinance and to do so the Board holds public meetings once a month.

The attached appeal application must be completely filled out and returned to the office for action by the Zoning Board of Appeals at their monthly meeting. The filing fee for said application is as follows:

One and Two-family dwellings -	\$50.00
Multiple Dwellings	\$150.00
Commercial Properties	\$150.00

**All checks should be made payable to the "City Clerk".** In order for your appeal to be heard in the same month you apply, the appeal form and fee must be received by this office three weeks prior to the scheduled meeting of the Zoning Board of Appeals. All applicants or their representatives should attend the Zoning Board of Appeals Public Meeting of their appeal to answer any questions the Board may have regarding their request.

In filling out the form, please be specific and supply the Zoning Board of Appeals with all the necessary information requested on the form. If you are requesting a variance from the ordinance, you must detail why the literal enforcement of the ordinance will produce an undue hardship, while the variance requested will adhere to the spirit of the ordinance and do substantial justice. Financial disadvantage to the property is no proof of hardship within the purpose of zoning. In addition to the above, an applicant must submit adequate drawings and a site plan of all requests, which will involve any construction, alterations, or physical change of their property. **THIRTEEN (13) copies of the entire packet including drawings and site plans are required** (we recommend the plans be approved before the THIRTEEN (13) copies are made).

Before the Zoning Board of Appeals may hear and decide your appeal, this office must first:

1. Publish the request in three successive issues of the Press-Republican newspaper not less than five (5) nor more than ten (10) days before the hearings.
2. Notify, by letter, all adjoining property owners of your request

*This office is responsible for implementing the above requirements.*

If there are any questions, please contact this office.  
Thank you for your cooperation.

# ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

## STANDARDS OF PROOF - AREA VARIANCE

A. The applicant for an area variance is not entitled to an area variance unless he has furnished competent proof to satisfy the "practical difficulty standard" and that the variance, if granted will not alter the essential character of the neighborhood.

In order to satisfy the practical difficulty standard, the applicant must prove that the Zoning Ordinance as it applies to his land creates significant economic injury and that the variance, if granted, will not produce a substantial change in the character of the neighborhood. The courts of this state hold that "significant economic injury cannot be established except by dollars and cents proof which includes:

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However, if a town official comes forward at the hearing with testimony establishing that it is important in this particular instance to enforce the Zoning Ordinance as it is written, in order to protect the health, safety and welfare, then the application must be denied. It is important to note that such testimony must be by a town official or someone hired by the town to give the testimony. If the Zoning Board of Appeals agrees with the Town Official that it is important in this case to enforce the Zoning Ordinance as written, then the applicant is not entitled to the area variance, unless he presents further testimony that the enforcement of the ordinance as written will deprive him of any reasonable use of his land. If applicant proves that, then he is entitled to the area variance.

B. The second question to be determined by the Zoning Board of Appeals is whether the the propose will alte the essential character of the neighborhood. Will a substantial detriment to adjoining properties be created? If it will, then the variance may be denied.

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1. Whether the variance applied for is the minimum variance that is necessary.
2. Is the variance sought one that is merely desirable for the greater enjoyment of the property, as opposed to one that is necessary for continued practical utilization of the premises? (Bielak v. Zoning Board of Appeals, 78 AD 2d 435).

# ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

-2-

## STANDARDS OF PROOF - AREA VARIANCE

3. Is this hardship self-created? An area variance cannot be denied solely on the ground of self-created hardship, but is a factor to be considered.
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## Area Variances Standards

The state statutes define area variances as: "the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by dimensional or physical requirements of the applicable zoning regulations."

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The state statutes then go on to provide the zoning board with the standards for granting the area variances;

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(2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

(3) whether the requested area variance is substantial;

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and

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General City Law, 81-b(4)

## Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determinations the board shall also consider the following criteria:

Please give a written response to each section.

(1) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

*No*

(2) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue, other than an area variance?

*No, Lena works from home and the yard sign seems to be the best advertisement.*

(3) Is the requested area variance substantial?

*No. We are proposing a 2'x3' sandwich board sign be placed on our front lawn.*

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

*No. The sign is a double edge sandwich board*

(5) Has the alleged difficulty been self-created?

This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

*Yes. Lena would like to operate a small piano lesson business out of this home and would like to advertise lessons on a daily basis.*

# Variances

One of the basic powers given by law to a zoning board of appeals is called the "variance" power. The board has the authority to "vary," or modify, the strict letter of a zoning ordinance or local law in cases where this strict interpretation could cause practical difficulties or unnecessary hardships for an individual.

Appeals boards are frequently confronted with requests for variances. There are two types of requests that come before the board, and the standards by which they are judged differ. A use variance is a request to utilize property for a use or activity which is not permitted by the zoning ordinance, and the applicant must demonstrate "unnecessary hardship." An area variance is a request for relief from dimensional standards contained in the zoning ordinance, and it requires a demonstration of "practical difficulty."

The basic standards for determining unnecessary hardship and practical difficulty have been established and refined by the courts in numerous cases.

## Use Variance

An individual who wants to utilize property for a use that is not permitted by the zoning ordinance must apply for a use variance. An applicant for a use variance must demonstrate unnecessary hardship by satisfying each of the following three tests:

### 1. Uniqueness

The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone AND that these features make it impossible to earn a reasonable return without some adjustment. If the features or conditions are generally applicable throughout the district, a variance should not be granted. In those situations where the difficulty is shared by others, the relief should be accomplished by an amendment to the zoning ordinance, not a variance.

### 2. Reasonable Return

The applicant must demonstrate an inability to realize a reasonable return under any of the uses permitted by the zoning ordinance. There must be a "dollars and cents" proof of the applicant's inability to realize reasonable return; speculation or qualitative assessment is inadequate.<sup>2</sup> Failure to realize the highest return is not considered a hardship.

### 3. Character

The applicant must prove that the requested modification will not change the character or quality of the neighborhood. In addition, the "spirit" of the ordinance or local law should be preserved.

The applicant for a use variance must meet all three tests before the appeals board may grant relief. A use variance should not be granted if the "unnecessary hardship" was created by the applicant. If the appeals board grants a use variance to an applicant who has failed to meet each of the tests, it runs the risk of assuming the function of the legislative body and making a decision contrary to the legislative intent of the zoning ordinance.

An increasing number of use variance requests is often the sign of an "aged" zoning regulation. The appeals board should not circumvent the legislative process by granting use variances. Instead, the appeals board should advise the governing body of the need to reexamine and amend the zoning ordinance.

## Area Variance

In the case of an area variance, the applicant is seeking modification of dimensional standards, such as yard requirements, set-back lines, lot coverage, frontage requirements or density regulations, so that the property may be utilized for one of the uses permitted by the zoning ordinance. The appeals board may grant relief if the applicant can demonstrate that strict compliance with the regulations would cause practical difficulty.

The determination of practical difficulty is a three-step process.<sup>3</sup>

1. First, the applicant must demonstrate that the application of the zoning ordinance to his property causes significant economic injury.
2. Once the applicant has demonstrated economic injury, then the municipality must show that the regulation in question is reasonably related to a legitimate exercise of the police power.
3. Last, assuming the municipality has met its burden of proof, the applicant must demonstrate that the restrictions, as strictly applied in his case, are unrelated to the public health, safety or welfare of the community and that granting the variance will not adversely affect the community.

In making a determination of practical difficulty, the appeals board may consider:<sup>4</sup>

1. How substantial the variation is in relation to the requirement;
2. The potential effect of increased density on available municipal, county and state facilities and services;
3. Whether the variance will cause a substantial change in the character of the neighborhood;
4. Whether the difficulty can feasibly be mitigated by some other method; or
5. Whether the interests of justice will be served in granting the variance.

The appeals board should grant the minimum relief necessary to allow reasonable use of the land in question. Not every applicant for an area variance is automatically entitled to receive relief. Each application should be carefully considered against the requirement for proof of practical difficulty.

## Summary

The major difference between a use variance and an area variance involves the use of the property. An area variance results in a modification of physical restrictions so that an allowable use may be established on the property. By contrast, a use variance permits the establishment of a use which is prohibited by the zoning ordinance and the zoning map. It is for this reason that the standards for a use variance are more stringent than the standards established for an area variance.

Frequently, the appeals board is encouraged to make legislative decisions under the guise of use variance requests. The appeals board should exercise caution when confronted with a request for a use variance, and only grant those which meet the tests established for determining unnecessary hardship. The appeals board should resist the inclination to correct deficiencies in the zoning ordinance through the exercise of its variance power. If particular provisions of the zoning ordinance are inappropriate or unjust, the appeals board should recommend that the legislative body (City Council, Town Board, Board of Trustees) take the necessary steps to amend the ordinance or local law.

<sup>1</sup>Otto v. Steinhilber, 282 NY 71 (1939), Village of Bronxville v. Francis, 150 NYS 2d 906 (1956); Jayne Estates v. Raynor, 22 NY 2d 417 (1968); Douglaston Civic Association, Inc. v. Klein, 51 NY 2d 963 (1980).

<sup>2</sup>Fayetteville v. Jarrold, 53 NY 2d 254 (1981).

<sup>3</sup>Fulling v. Palumbo, 21 NY 2d 30 (1967); National Merrit, Inc. v. Werst, 41 NY 2d 438 (1977).

<sup>4</sup>Wachsberger v. Michalis, 19 Misc 2d 909 (1959).

Department of Planning

PROJECT I.D. NUMBER

617.20

SEQR

Appendix C

State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>Elena Ryan</i>	2. PROJECT NAME <i>Sign</i>
3. PROJECT LOCATION: <i>82 Beekman St</i> Municipality <i>Plattsburgh NY</i> County <i>Clinton</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>82 Beekman St - Front yard</i>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Place freestanding removable sign on the front lawn</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>less than 1</i> acres Ultimately <i>less than 1</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>Sign not permitted by zoning</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <i>City of Plattsburgh Building Permit + Zoning Variance</i>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>Elena Ryan</i>	Date: <i>8/24/12</i>
Signature: <i>[Signature]</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? ☐ Yes ☐ No

If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? ☐ Yes ☐ No

If No, a negative declaration

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other Impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA? ☐ Yes ☐ No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? ☐ Yes ☐ No If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
Name of Lead Agency

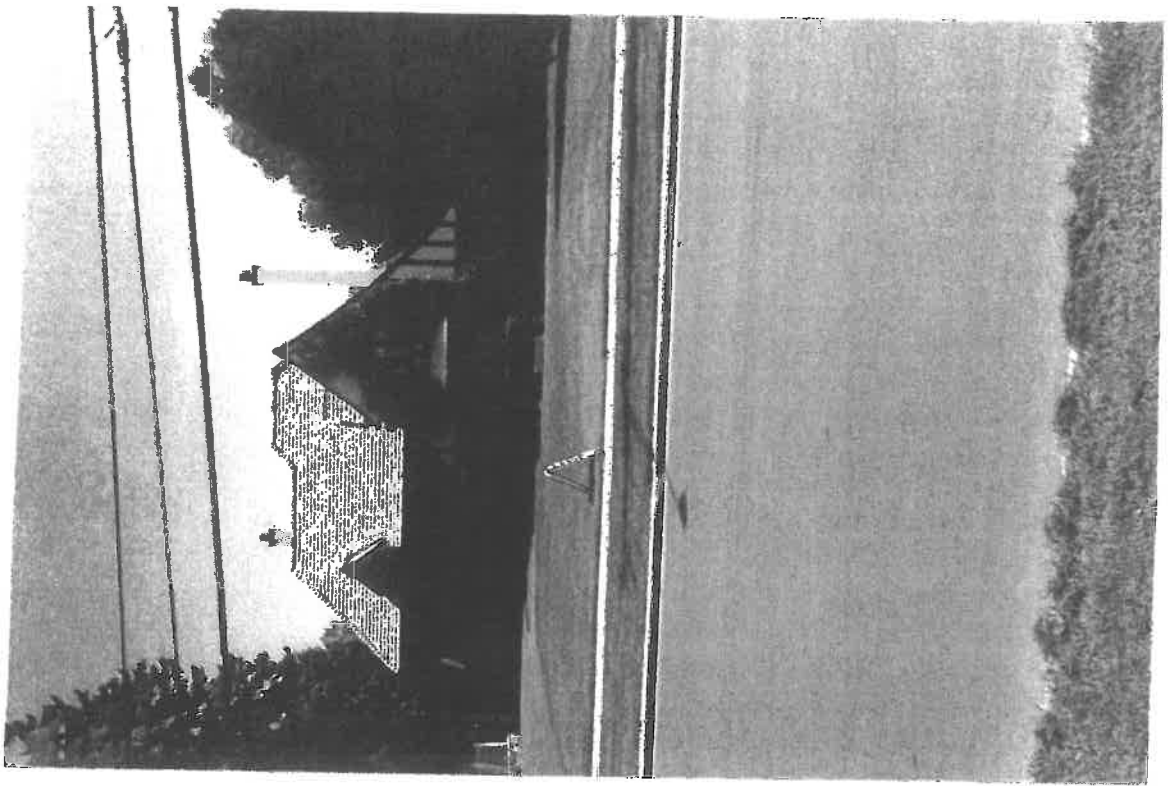
\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

\_\_\_\_\_  
Date











# Plattsburgh, New York

Building & Zoning Dept.  
41 City Hall Place  
Plattsburgh, New York 12901  
Ph: 518-563-7707  
Fax: 518-563-6426

USE  
CLASS A VARIANCE

X AREA  
CLASS B VARIANCE

SUP  
SPECIAL USE PERMIT

Date: 8/24/12

Appeal No.: 1944

An application is hereby made to the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for a variance to allow the property use as herein described.

Applicant: Donald + Sheila Bond

Applicant's Address: 7 Palmer Street  
Plattsburgh New York

Telephone No.: 518-562-0501

Parcel Identification: 207.15-8-30

Location of Request: 7 Palmer Street

Property Owner: Donald + Sheila Bond

Request Description: To add 15x30 single level addition to  
home.

Zoning District: R2

Section Appealed: \_\_\_\_\_

Previous Appeal: No.: \_\_\_\_\_ Date: \_\_\_\_\_

Identify Applicant's Right to Apply for Variance:

Ownership: ☒ Long Term Lease: \_\_\_\_\_ Contract To Purchase: \_\_\_\_\_

Other (Please Explain): \_\_\_\_\_

Applications for Zoning Variances must be accompanied by:

13 copies of existing and proposed site plan

13 copies of existing and proposed floor plan

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Signature (Owner/Applicant)

Print First and Last Name

Notary Public

DEBRA JARVIS

Notary Public, State of New York

No. 011A6188499

Qualified in Clinton County  
Commission Expires June 9, 20 14

## Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determinations the board shall also consider the following criteria:

Please give a written response to each section.

(1) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

NO

(2) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue, other than an area variance?

NO

(3) Is the requested area variance substantial?

NO

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

NO - IT SHOULD INCREASE THE VALUE OF THE PROPERTY.  
IT THEN GOES TO THE PROPERTY VALUE OF THE NEIGHBORHOOD

(5) Has the alleged difficulty been self-created?

This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

NO

PROJECT I.D. NUMBER

617.20

SEQR

Appendix C

State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>Dunick + Sheila Bond</i>	2. PROJECT NAME <i>Addition</i>
3. PROJECT LOCATION: Municipality <i>Plattsburgh</i> County <i>Clinton</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>7 Palmer Street Plattsburgh, NY</i>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Requesting to add a 15 x 30 single level addition to house</i>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>Does not comply with 3 requirements</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: <i>Primary residence</i>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>Dunick + Bond</i>	Date: <i>7-27-12</i>
Signature: <i>[Signature]</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

- A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? ☐ Yes ☒ No If yes, coordinate the review process and use the FULL EAF.
- B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? ☐ Yes ☒ No If No, a negative declaration may be superseded by another involved agency.

- C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)
- C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
- C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
- C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
- C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
- C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
- C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
- C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

- D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA? ☐ Yes ☒ No

- E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? ☐ Yes ☒ No If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
Name of Lead Agency

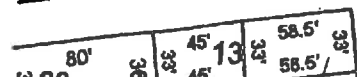
\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

\_\_\_\_\_  
Date



AVENUE

**STREET**

(58')

**STREET**

(45.5)

**ELM**

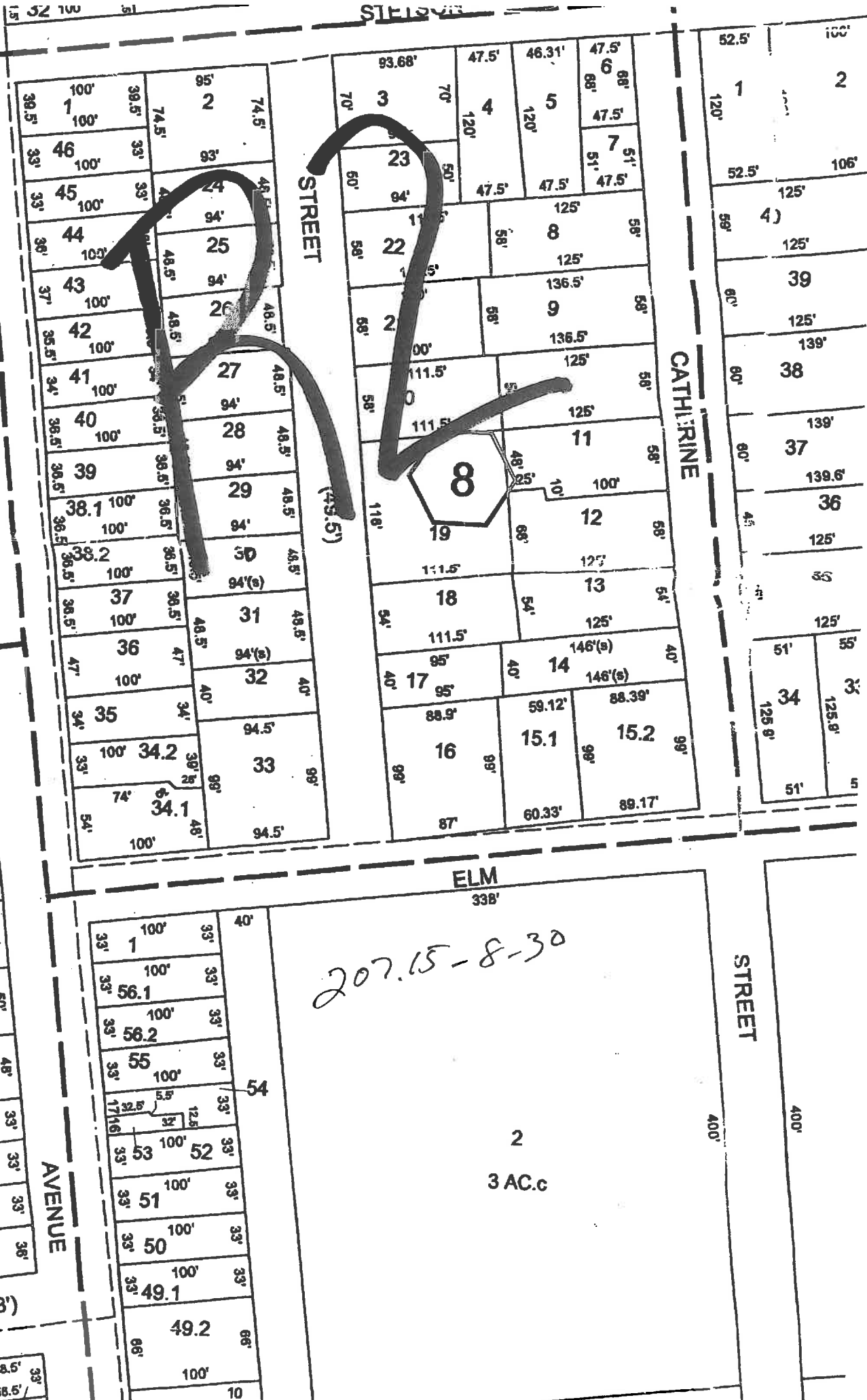
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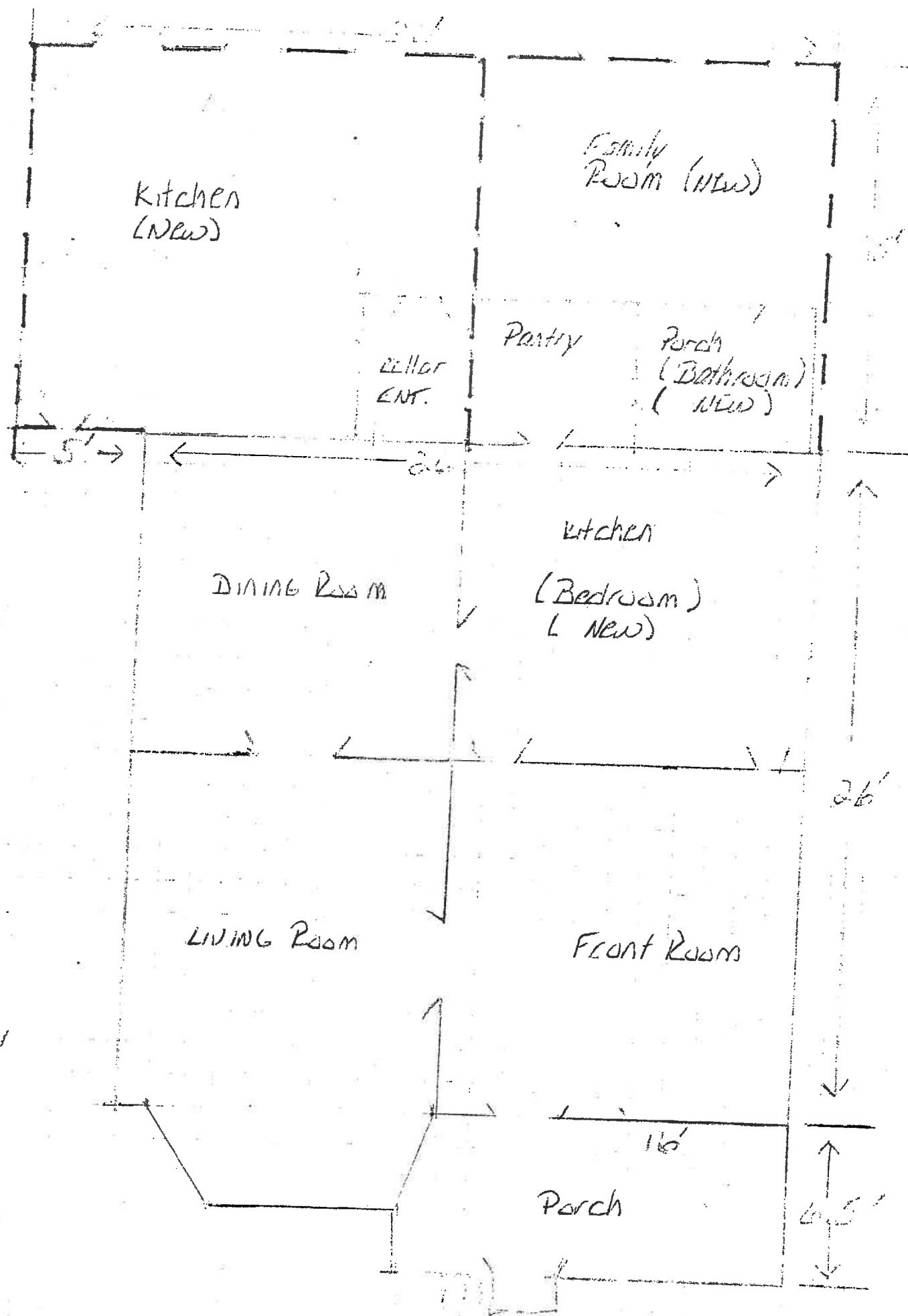
207.15-8-30

2

**3 AC.c**

**STREET**













Commission Expires June 9, 2010

## Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determinations the board shall also consider the following criteria:

Please give a written response to each section.

(1) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

NO - THE FRONT YARD SET-BACK OF 10'  
IS GREATER THAN 90% OF THE HOMES IN THIS AREA.

(2) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue, other than an area variance?

NO - PARKING FOR 4 CARS IS DIFFICULT  
AND AWKWARD OTHERWISE.

(3) Is the requested area variance substantial?

NO

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

NO

THE VARIANCE WILL ALLOW FOR A WRAP AROUND  
FRONT PORCH WHICH IS COMPATIBLE WITH SURROUNDING HOMES.

(5) Has the alleged difficulty been self-created?  
This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

THIS REQUEST IS AN ATTEMPT TO RESPECT  
THE STREETSCAPE OF THE NEIGHBORHOOD AND  
RESPECT THE CHARACTER OF THE DISTRICT.

PROJECT I.D. NUMBER

617.20

Appendix C

SEQR

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

**PART I—PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <u>KENNETH J. MOUSSEAU</u>		2. PROJECT NAME <u>24 LAFAYETTE ST.</u>	
3. PROJECT LOCATION: Municipality <u>CITY OF PLATTSBURGH</u> County _____			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>NORTHEAST CORNER OF WEST ELM AND LAFAYETTE ST.</u>			
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: <u>BUILD A NEW 2 FAMILY RESIDENCE</u>			
7. AMOUNT OF LAND AFFECTED: Initially <u>13</u> acres    Ultimately <u>13</u> acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly <u>VARIANCE ACQUIRED FOR LACK OF 60 SQ. FT. FRONT YARD SETBACK ??</u>			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: _____			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If yes, list agency(ies) and permit/approvals <u>CITY OF PLATTSBURGH BUILDING INSPECTOR - PERMIT ONLY</u>			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval _____			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No <u>N/A</u>			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: <u>KENNETH MOUSSEAU</u>		Date: _____	
Signature: <u>Kenneth J. Mousseau</u>			

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

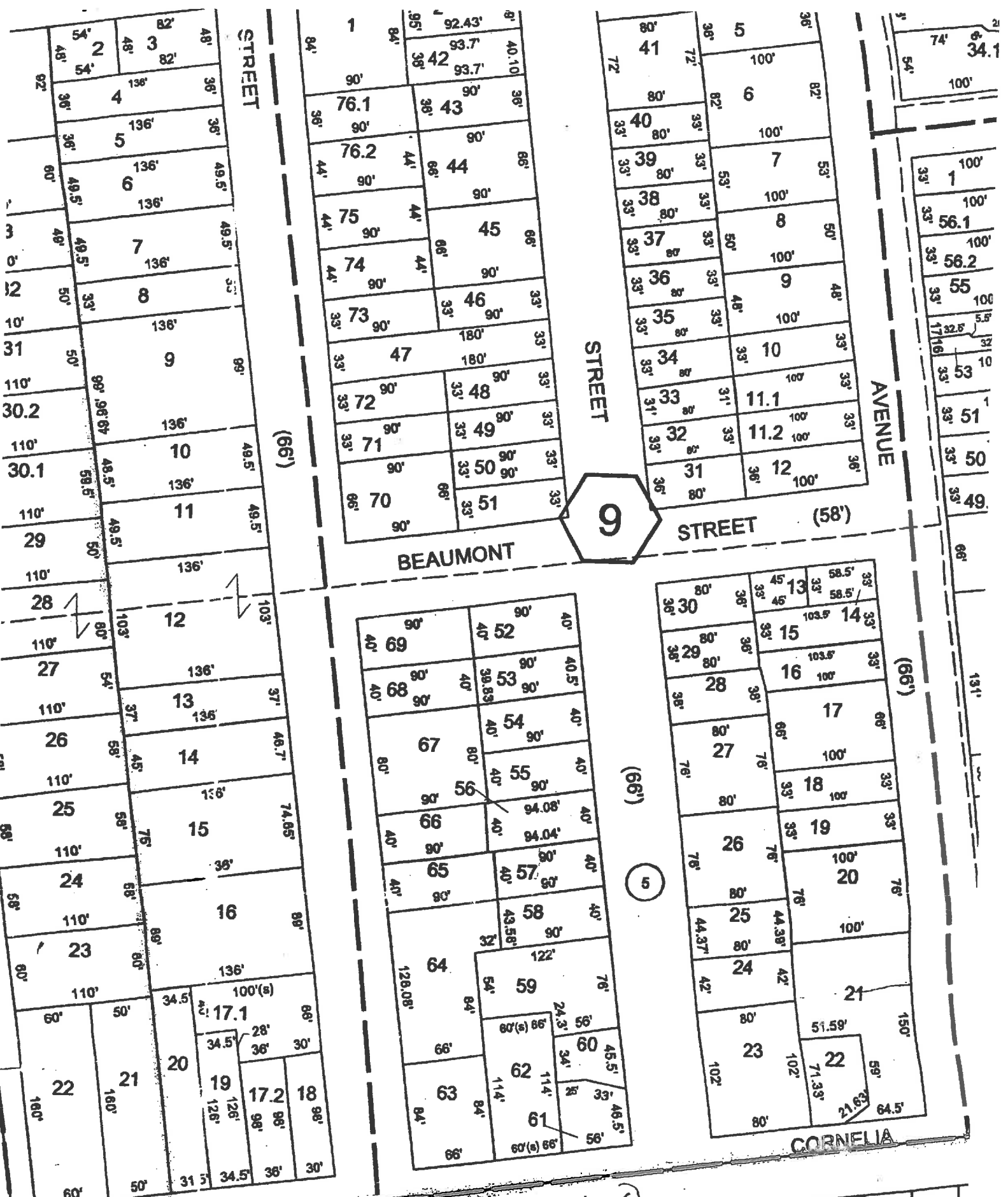
A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
Name of Lead Agency\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency\_\_\_\_\_  
Title of Responsible Officer\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency\_\_\_\_\_  
Signature of Preparer (if different from responsible officer)\_\_\_\_\_  
Date



207.15-9-70







# Plattsburgh, New York

ZONING BOARD OF APPEALS  
CITY HALL  
PLATTSBURGH, NY 12901

Building and Zoning Department  
41 City Hall Place  
Plattsburgh, New York 12901  
Ph: (518) 563-7707  
Fax: (518) 563-6426

## ADMINISTRATIVE REVIEW

Date: August 31, 2012

Appeal No.: 1946

An application is hereby made to the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for Administrative Review of the herein described decision of the Building Inspector.

Applicant: SEE APPLICATION 52200 DATED 3/30/11

Applicant's Address: 178 BROAD ST. PLATTSBURGH, NY 12901

Decision of Building Inspector:

Regarding Property Located At: 178 BROAD STREET

Owned By: 178 BROAD STREET HOLDING CO., LLC.

Zoning District: \_\_\_\_\_

Determination Appealed: ATTACHED

Has a Previous Appeal been filed with respect this Property Request? ☐ Yes ☒ No

If Yes: Date: \_\_\_\_\_

Appeal No.: \_\_\_\_\_

The Facts upon which this Appeal is made are as follows:

SEE ATTACHED LETTER FROM ATTORNEY.

State of New York

County of Clinton

I do solemnly, sincerely, and truly, declare and affirm that all the above statements are true and correct.

Sworn to before me this 31 day of August, 2012

Notary Public

**RICHARD E. CANTWELL**  
Notary Public, State of New York  
No. 4996972

Qualified in Clinton County  
Commission Expires November 15, 2014

[Signature], member  
Signature of Applicant

Drew Arthur  
Print first and last name



20 Corporate Woods Blvd.  
Albany, New York 12211  
tel: 518 462 0300  
fax: 518 462 5037  
www.girvinlaw.com

Salvatore D. Ferlazzo  
Partner

[sdf@girvinlaw.com](mailto:sdf@girvinlaw.com)

July 23, 2012

Building and Zoning Department  
41 City Hall Place  
Plattsburgh, NY 12901

**RE: Notice of Violation - Order to Remedy dated July 20, 2012**  
**Tax Parcel # Section 207.1B, Block 2, Lot 1, Log No. 112**

Dear Building and Zoning Department:

We have been retained to respond to the attached Notice of Violation -Order to Remedy dated July 20, 2012. Please direct all future contact and correspondence directly to me at this address.

We hereby demand an Administrative Review of the above referenced Notice of Violation to provide the City with an opportunity to vacate the Notice of Violation and Order of Remedy.

Our preliminary review indicates that our clients' vested and constitutional rights to property and freedom of speech are being interfered with. We have the right to commence an immediate civil rights action in the United States District Court for the Northern District of New York but will refrain from taking formal action until the Administrative Review is complete.

We request a stay in the imposition of any and all enforcement action, fines, and the like, both retroactively and until completion of the requested Administrative Review. Please provide me with notice of the date, time and place of the Administrative Review as soon as possible.

Very truly yours,

GIRVIN & FERLAZZO, P.C.

By:

Salvatore D. Ferlazzo

SDF/ans

Enc: Notice of Violation - Order to Remedy



# Plattsburgh, New York

Building & Zoning Dept.  
41 City Hall Place  
Plattsburgh, NY 12901  
Ph: 518-563-7707  
Fax: 518-563-6426

Tax Parcel Number:	Section:	Block:	Lot:	Log No.:
	207.18	2	1	112

## NOTICE OF VIOLATION - ORDER TO REMEDY

DATE: 7/20/12 TIME: 2:30

LOCATION: 178 BROAD ST.

PLATTSBURGH NY 12901

OWNER: 178 BROAD ST. HOLDING CO. LLC

Name

PO BOX 571 RTE 9

Address

CHAZY

NY

12901

City

City

State

Zip

OCCUPANT: ADIRONDACK ADVERTISING, LIBERTY TAY, HAWKINS INS.

Name

Dear SIR/MADAM,

You are hereby notified that you have been found to be in violation of the ZONING ORDINANCE Article 270-26 Section Q, Subsection 4e6. The specific violation is: THE DIGITAL (LED) SIGN EXCEEDS SIZE LIMITS AND MESSAGES ARE BEING DISPLAYED FOR OFF SITE BUSINESS.

as observed by the code enforcement officer on 7/19/12.

The following corrective measures should be taken no later than 7/23/12 or penalties may be assessed: REDUCING SIZE OF DISPLAY AREA AND ELIMINATING ADVERTISEMENT FOR OFF SITE BUSINESS.

For the purposes of applying the penalties described in the Administrative Section of the ZONING ORDINANCE your first violation shall be deemed to have occurred as of 6/21/12.

If you have questions, please contact me.

Sincerely,

  
Code Enforcement Officer

Please Note: A violation of this code is punishable by a fine not to exceed 250.00, Each WEEK of continued violation shall constitute an additional, separate offense, after court determination.

284

16 12 10 8 6 4 2  
127  
14 12 10 8 6 4 2  
Mason Dr

128 31 30 42 44  
126 29 28 3  
124 27 26  
122 25  
120 23  
118 21  
116 19  
114 17  
112 15  
110 13  
108 9  
104 7  
100 5 3  
266 262 1  
Jeffrey Ln  
4 2  
24  
22  
18  
16  
14  
12  
10  
8  
2 256  
Addams St  
75  
Unnamed Street

328  
316  
318  
320  
St. Johns Ave  
Plattsburgh Plz

13 11 9 7 5 1 119  
12 10 8 6 4 115  
11 9 7 5 3 1  
107  
105  
101  
97  
292 288 280  
306  
Turner Ct

321 319 317 315 313 311 303  
301  
187  
178 289 275 273 271 267  
174 172 170 168 32  
93  
91  
181 179 177  
2 2 4  
303  
315 313 311 303  
301  
187  
178 289 275 273 271 267  
174 172 170 168 32  
93  
91  
181 179 177  
2 2 4  
Ramp  
Cornelia St

265 263 261 259 257 255 253 251 247 249  
94 92 88 28 26 24 22 20 18 16 14  
W. Court St

47 73 71 69 67 65  
17 19 21  
29 25 26 25  
70 23 24 23  
68 21 22 21  
66 19 20 17  
64 13 18 15  
28 8 26 10 24 12 20 16 20 18 15  
Lexington Ave  
Concord Ave  
Haley Dr  
Jennifer Dr  
Trembay Ave

162 25 158 21 19 17 15 13  
154 152 150  
161 159 157 155 80 78 76 74 70 68 66 14  
153 151 5 7 9 11 13 15  
Broad St  
Olivetti Pl

169 167 163 165 3 5 7 9 11 13 15 17 19 21  
79 77 75 73 71 69 67 65  
Leonard Ave